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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.887 OF 2006
IN
SUIT NO.731 OF 2005

Sadanand Sabaji Pawar).. Plaintiff

Versus

Shantaram Sabaji Pawar and others).. Defendants

Mr.Shailesh More for the Plaintiff.

Mr.M.A. Dudhane for Defendant No.1.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 24TH MARCH 2006

P.C.:

. This Notice of Motion has been taken out for setting aside the ex-parte order passed on 17th March 2006. It is submitted on behalf of Defendant No.1 that due to his lapse, the matter was unattended on 17th March 2006. It is stated in the affidavit in support of the Motion that the Advocate for Defendant No.1 was under the impression that the hearing of the Motion would be taken up at 3.00 p.m. on 17th March 2006. However, the matter was heard in the morning session.

2. In my view, the absence of the Advocate should not prejudice the Defendants. In the circumstances of the case, the ex-parte order dated 17th March 2006 is vacated and Notice of Motion No.1057 of 2005 is restored

to file.

3. Status quo as of today be maintained by the parties.

4. Place Notice of Motion No.1057 of 2005 for ad-interim orders 29th March 2006.

5.‘ Notice of Motion disposed of accordingly.

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